

**BEFORE THE MINNESOTA**

**BOARD OF PSYCHOLOGY**

In the Matter of  
Erin Gustin, Psy.D.  
Applicant for Licensure

**STIPULATION AND  
CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by Erin Gustin, Psy.D. ("Applicant"), and the Minnesota Board of Psychology ("Board") as follows:

1. During all times herein, Applicant has been and now is subject to the jurisdiction of the Board for which she has applied for licensure.

**FACTS**

2. For purposes of this stipulation, the Board finds the following:

a. On August 11, 2009, Applicant submitted to the Board an application for licensure to practice as a licensed psychologist in the State of Minnesota.

b. In 2009, Applicant began working as a Mental Health Practitioner at a chemical dependency facility in Center City, Minnesota ("Facility").

c. In 2013, Applicant began a personal, intimate relationship with an individual who had previously received treatment at the Facility from approximately September 2007 to April 2008.

d. On September 27, 2013, while working at the Facility, Applicant accessed the individual's treatment records without the individual's permission or a business purpose for doing so. Applicant viewed the individual's treatment records for her own edification.

e. On November 15, 2013, the Facility terminated Applicant's employment.

## REGULATIONS

3. The Board views Applicant's practices as described in paragraph 2 above to be in violation of statutes and rules enforced by the Board. Applicant agrees that the conduct cited above constitutes a violation of Minn. Stat. § 148.941, subd. 2(a)(1) (violating a statute or rule the Board is empowered to enforce); Minn. Stat. § 148.941, subd. 2(a)(3), and Minn. R. 7200.5700 (unprofessional conduct); Minn. R. 7200.4700, subp. 1 (failure to safeguard private information); Minn. R. 7200.4700, subp. 5 (failure to limit access to client records); and Minn. R. 7200.4700, subp. 9 (failure to maintain the privacy of client information) and constitutes a reasonable basis in law and fact to justify the disciplinary action provided for in the order. Applicant agrees to the remedy set forth herein.

## REMEDY

4. Upon this stipulation and all the files, records, and proceedings herein, and without further notice or hearing herein, Applicant does hereby consent that until further order of the Board, made after notice and hearing upon application by Applicant or upon the Board's own motion, the Board may make and enter an order as follows:

a. **Reprimand.** Applicant is hereby **REPRIMANDED** for engaging in the conduct and violations described above.

5. This stipulation shall not in any way limit or affect the authority of the Board to initiate contested case proceedings against Applicant on the basis of any act, conduct, or omission of Applicant justifying disciplinary action occurring before or after the date of this Stipulation and Consent Order which is not related to the facts, circumstances or requirements referenced herein.

6. In the event the Board at its discretion does not approve this settlement or a lesser remedy than indicated in this settlement, then, and in that event, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party to this stipulation, except that Applicant agrees that should the Board reject this stipulation and this case proceeds to hearing, Applicant will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating to this matter.

7. Applicant has been advised by Board representatives that she may choose to be represented by legal counsel in this matter. Applicant is represented by Melissa M. Heinlein, Esq. The Committee is represented by Hans A. Anderson, Assistant Attorney General.

8. Applicant waives all formal hearings on this matter and all other procedures before the Board to which Applicant may be entitled under the Minnesota or United States constitutions, statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein.

9. Applicant hereby knowingly and voluntarily waives any and all claims against the Board, the Minnesota Attorney General, the State of Minnesota and their agents, employees and representatives which may otherwise be available to Applicant under the Americans With Disabilities Act or the Minnesota Human Rights Act relative to the action taken or authorized against Applicant's license to practice psychology under this stipulation.

10. Applicant hereby acknowledges that she has read, understands, and agrees to this stipulation and has freely and voluntarily signed the stipulation without threat or promise by the Board or any of its members, employees, or agents. When signing the stipulation, Applicant acknowledges she is fully aware the stipulation is not binding unless and until it is approved by the Board. The Board may either approve the Stipulation and Consent Order as proposed,

approve the Stipulation and Consent Order subject to specified change, or reject it. If the changes are acceptable to Applicant, the stipulation will then take effect and the order as modified will be issued. If the changes are unacceptable to Applicant or the Board rejects the stipulation, it will be of no effect except as specified herein.

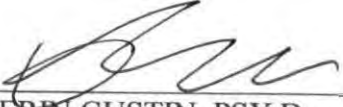
11. This Stipulation and Consent Order constitutes a disciplinary action against Applicant.

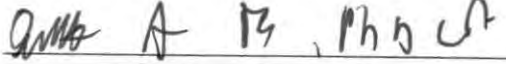
12. This Stipulation and Consent Order is a public document and will be sent to all appropriate data banks.

13. This stipulation contains the entire agreement between the parties there being no other agreement of any kind, verbal or otherwise, which varies this stipulation.

CONSENT:

MINNESOTA BOARD OF PSYCHOLOGY  
COMPLAINT RESOLUTION COMMITTEE

  
ERIN GUSTIN, PSY.D.  
Applicant

  
SCOTT FISCHER, PH.D., L.P.  
Committee Chair

Dated: 12-29-15


Dated: 1-22-16

## ORDER

Upon consideration of this stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that Applicant is **REPRIMANDED** and that all other terms of this stipulation are adopted and implemented by the Board this 22 day of January, 2015.6

MINNESOTA BOARD OF PSYCHOLOGY

  
ANGELINA M. BARNES  
Executive Director